

REMARKS

In response to the Office Action dated October 26, 2009, claims 1, 19 and 28 have been amended. Claims 1-2, 4-9, 12 and 19-28 are pending in the application.

In paragraph 5 on page 6 of the Office Action, claims 1, 2, 4-9, 19-22 and 27-28 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki.

On page 17 of the Office Action, claim 12 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki and in further view of Chang.

On page 18 of the Office Action, claims 23-26 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki and in further view of Ellis.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended claims to more particularly distinguish the invention over the cited reference.

Independent claim 1 sets forth a recommendation engine for providing a customized viewing-recommendations list for the viewer subsystem based upon the programming data maintained at the distribution head of the content distributor and a customized viewing profile associated with a user of the viewer subsystem, an interface device of the content distributor provided at the viewer subsystem, having an electronic program guide and configured and operative to implement the smart audio guide system functions, a smart audio guide audio package maintained at the head end of the content distributor that includes at least a plurality of smart audio guide audio clips corresponding

to each program included in the programming data maintained at the distribution head of the content distributor and a smart guide actuator that is configured and operative in response to one or more predetermined conditions to activate the rendering of the smart audio guide audio clips and the customized viewing-recommendations list, wherein the plurality of smart audio guide audio clips are generated at a head-end of the content distributor and stored in a database at the head-end, wherein said interface device is configured and operative to display a recommended program listing at the view subsystem based upon the customized viewing-recommendations list and to retrieve smart audio guide audio clips corresponding to the programs in the recommended program listing, wherein the retrieved smart audio guide audio clips are uttered in a predetermined mode at the viewer subsystem via the audio unit when activated to identify the programs in the recommended program listing for viewing at the viewer subsystem based upon the customized viewing-recommendations list, and wherein the plurality of smart audio guide audio clips are uttered synchronously with a corresponding visual presentation of a matching program in the recommended programming list. Independent claims 19 and 28 include similar elements.

In contrast Naimpally merely describes a system that stores EPG information, weather information, and news information as text and a text-to-speech (TTS) synthesizer that is used to convert the text to speech (audio). Thus, according to Naimpally all of the text data at the server 20 is converted to audio.

Further, Naimpally discloses that a user may navigate the EPG text displayed on the screen. When the user focuses on a specific grid of the EPG, the audio portion

corresponding to the specific grid may then be announced by voice. However, Naimpally fails to disclose that only recommended programs are provided in a recommended list and that only audio clips associated with recommended programs are uttered in synch with matching programs from the recommended program list/

Thus, Naimpally fails to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28, as amended.

Aoki fails to overcome the deficiencies of Naimpally. Aoki merely discloses a system that transfers data pertaining to recommended programs to an action script execution engine. The action script execution engine does not receive the data until a predetermined time prior to the airing of a recommended program. The action script execution engine then controls a visual agent on the screen to announce a recommended program to a viewer.

However, Aoki fails to suggest a smart audio guide audio package maintained at the head end for providing a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor.

Aoki also fails to suggest that the plurality of smart audio guide audio clips are generated at a head-end of the content distributor and stored in a database at the head-end. Rather, Aoki teaches that the audio clips are generated at the agent interface under control of the action script execution engine.

Aoki also fails to suggest retrieving audio clips corresponding to the programs in the recommended program listing. Again, the audio clips are generated at the agent interface under control of the action script execution engine.

Aoki further fails to suggest audio clips are uttered synchronously with a corresponding visual presentation of a matching program in a recommended programming list.

Thus, Naimpally and Aoki, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28, as amended.

Chang fails to overcome the deficiencies of Aoki and Naimpally. Rather, Chang is merely cited as disclosing temporarily discontinuing audio.

Chang fails to suggest a smart audio guide audio package maintained at the head end for providing a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor.

Chang also fails to suggest that the plurality of smart audio guide audio clips are generated at a head-end of the content distributor and stored in a database at the head-end. Chang also fails to suggest retrieving audio clips corresponding to the programs in the recommended program listing. Chang further fails to suggest audio clips are uttered synchronously with a corresponding visual presentation of a matching program in a recommended programming list.

Thus, Aoki, Naimpally and Chang, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28, as amended.

Ellis fails to overcome the deficiencies of Aoki, Naimpally and Chang. Rather, Ellis is merely cited as disclosing normal presentation of the EPG is modified in response to the presence of recommended content within an EPG page. However, Ellis does not suggest a smart audio guide audio package maintained at the head end for providing a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor.

Ellis also fails to suggest that the plurality of smart audio guide audio clips are generated at a head-end of the content distributor and stored in a database at the head-end. Ellis also fails to suggest retrieving audio clips corresponding to the programs in the recommended program listing. Ellis further fails to suggest audio clips are uttered synchronously with a corresponding visual presentation of a matching program in a recommended programming list.

Thus, Aoki, Naimpally, Chang and Ellis, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 28, as amended.

Dependent claims 2, 4-9, 12 and 20-27 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1 and 19, respectively. Further dependent claims 2, 4-9, 12 and 20-27 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 2, 4-9, 12 and 20-27 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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